

# **DECISION NOTICE**

## **DEER CREEK CULVERT REPLACEMENT PROJECT**

**Prepared by**  
**Montana Fish, Wildlife and Parks**  
**October 1, 2008**

### **I. Proposal**

Montana Fish, Wildlife and Parks (FWP) proposes to provide partial funding through the Future Fisheries Improvement Program to a project calling for replacing an undersized culvert located under a private road on Deer Creek, a tributary to the Clark Fork River.

### **II. Montana Environmental Policy Act (MEPA)**

MEPA required FWP to assess the potential consequences of the proposed action for the human and natural environment. The proposal was detailed in an Environmental Assessment (EA) released by FWP on August 26, 2008. The 30-day comment period for this EA ended September 26, 2008.

Issues raised during the public comment period for this EA are addressed in the Comments section of this Decision Notice. The draft EA and Decision Notice will serve as the final document.

### **III. Summary of Public Comment**

One written comment was received in response to the draft EA. No other comments were received. Issues brought forward from this written comment included:

- 1. It is our interpretation of the information in the EA that the proposed larger culvert will allow greater access to fish seeking to move upstream from the Clark Fork River. We assume that among these migrants will be rainbow trout and/or westslope cutthroats of compromised genetics. It is hard to imagine that allowing individuals of these categories to more easily access a stream characterized in the EA as having abundant non-introgressed westslope cutthroats will not result in the loss of genetic integrity in the population above the existing culvert. We believe this is an unacceptable outcome and one that runs counter to the westslope cutthroat recovery goals of MFWP and those of our organization.**

Response: The westslope cutthroat trout population in Deer Creek currently is not a genetic isolate from the Clark Fork River. The existing culvert acts as a partial barrier that simply is inadequate for fish passage during higher flows. Past telemetry data have shown that the stream supports a migratory westslope

cutthroat trout component from the Clark Fork River. Deer Creek apparently has remained non-introgressed in spite of reasonable access by rainbow trout and hybrids from the Clark Fork River. Deer Creek, and its open connection to the Clark Fork River, appears to be an example of a system where hybridization is not inevitable. The draft of the cutthroat trout conservation agreement for Montana emphasizes balancing the need to maintain genetically isolated populations with life history diversity and the needs of other native species. FWP is managing Deer Creek as an open system that supports a fluvial life history, in part, because there are numerous other neighboring drainages supporting isolated populations of non-introgressed westslope cutthroat trout. These drainages include Pattee Creek, Marshall Creek, Crystal Creek, Allen Creek and Greenough Creek.

**2. We suggest that the proposal be withdrawn from consideration for both funding and implementation until the central issue of preserving pure westslope cutthroat trout populations is resolved.**

Response: Based on the response outlined in Comment #1, withdrawal of the proposed partial funding would be counter to the proposed effort to enhance the migratory life history of westslope cutthroat trout in Deer Creek.

**3. Should FWP choose to proceed with the project as currently defined in the EA, we believe a full Environmental Impact Statement must be prepared.**

Response: The existing culvert in Deer Creek currently does not genetically isolate westslope cutthroat trout from fish residing in the Clark Fork River. As a result, the proposal to partially fund the replacement of this undersized culvert with one of more adequate size makes a full Environmental Impact Statement unwarranted.

**4. The EA omits or neglects a variety of social and scientific information and considerations that we feel would be required in order for MWF to endorse the proposal.**

Response: The draft EA adequately outlined the potential consequences of this proposed action for the human and natural environment. Additionally, the funding decision for this Deer Creek proposal was reviewed and approved by the Future Fisheries citizen review panel, a 14-member panel comprised of people with diverse backgrounds, including fisheries biology, hydrology, forestry, fluvial geomorphology, agriculture and business. The FWP Commission also reviewed this proposal and approved the funding. Both the review panel and the Commission considered the social and scientific information associated with this proposal prior to approving funding for the project.

- 5. We regret our ability to support this project as proposed and look forward to new future Fisheries projects to which we can offer our whole-hearted endorsement.**

Response: So noted.

**IV. Modifications to the Environmental Assessment**

Modifications to the draft EA are deemed to be unnecessary.

**V. Decision**

After review of the proposal, it is my decision to proceed with funding though the Future Fisheries Improvement Program for the Deer Creek Culvert Replacement Project. The action will benefit the fishery in the Deer Creek drainage.

I find there to be no significant impacts associated with this action and conclude that an Environmental Impact Statement is not needed. The completed EA and the Decision Notice provide an adequate level of analysis.

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Chris Hunter, Administrator  
Fisheries Division